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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/612,006	07/07/2000	Clifford Alan Pickover	YO999-467	7649

7590

03/02/2006

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EXAMINER

QUELER, ADAM M

ART UNIT

PAPER NUMBER

2178

DATE MAILED: 03/02/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/612,006

Applicant(s)

PICKOVER ET AL.

Examiner

Adam M. Queler

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 December 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 and 27-34 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8 and 27-34 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This action is responsive to communications: Amendment and filed 12/19/2005.
2. Claims 1-8 and 27-34 are pending in the case. Claims 1, 27, and 35 are independent claims.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

4. **Claims 4-6, and 30-32 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.**

With the additional limitations added into the independent claims, claims 4 and 30 no longer recite a limitation that was described in the specification. The independent claims now recite that the list of words are related to a topic generated from the words in the document. This is described by the specification and most likely what was originally intended by original claim 4. However, claim 4 now recites that words related to words in the document are also used to determine the topic, which is then used to determine words related to the topic. This is not described in the specification. It is suggested that claims 4 and 30 are no longer necessary as they're intended limitations are now recited in the independent claims. Claims 5 and 31 are

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additionally not described as the processes listed are described in the specification as relating the added step in claim 1.

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. **Claims 4-6 and 30-32 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.**

Regarding dependent claim(s) 4 and 30, The written description problems recited above make the scope impossible to determine since the specification recites a different scope than the claim. For examining purposes only, the claims will recite the same general limitation as the independent claim regarding related words.

Regarding dependent claim(s) 5 and 31, the claims are indefinite as the specification describes a different target for the processes of the claim. For examining purposes only, "step (e)" will be interpreted as added step in the independent claim.

Regarding dependent claim(s) 6 and 32, the claims recite the limitation "said probably related words." There is insufficient antecedent basis for this limitation in the claim as there are the probably related words described in claim 1/27 and 4/30. Given the rejections above, for examining purposes only, the probably related words will be interpreted as those of claim 1.

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are

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such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 1-8 and 27-34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chandrasekar et al. (USPN 6578032, filed 6/28/2000) and further in view of Rogson (USPN 2002/0010726, filed 3/28/2000).

Regarding independent claim(s) 1 and 27, Chandrasekar teaches determining the topic of a document using words in the document c2-14-16. Chandrasekar teaches offering as replacement at least one word related to the topic c2.45-49. Chandrasekar does not teach the details of the implementation of the spell-checker, merely that it can be used in combination with one. Since Chandrasekar is missing these details, one of ordinary skill in the art would turn to the prior art for suitable implementation of a spellchecker. Rogson is one such implementation. Rogson teaches reporting a misspelled word to a user and offering a list of replacements (para. 45). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to combine Chandrasekar suggested spelling with the prior art spell checking system of Rogson. This would have been obvious because since Chandrasekar is missing these details, one of ordinary skill in the art would turn to the prior art for suitable implementation of a spellchecker.

Regarding dependent claim 2 and 28, the text of the document inherently includes all text.

Regarding dependent claim 3 and 29, Chandrasekar teaches that the frequency of the words is used to determine the topic c11.59-64.

Regarding dependent claim(s) 4 and 30, the claims are rejected under similar rationale as their independent claims as explained in the §112 rejection above.

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Regarding dependent claim(s) 5 and 31, Chandrasekar teaches using clustering to find topics related to words found in the document to determine the proper spelling of a word (col. 2, ll. 45-49). This clustering is equivalent to latent semantic indexing.

Regarding dependent claim(s) 6 and 32, neither Rogson nor Chandrasekar explicitly disclose an order of words. Chandrasekar does disclose that the related word is used first (col. 2, ll. 39-45). It would have been obvious to one of ordinary skill in the art at the time of the invention to list related words first as they were most likely the correct term (col. 2, ll. 39-45).

Regarding dependent claim 7 and 33, the combination of Chandrasekar and Rogson is obvious as described above. Rogson discloses another dynamic list for the user (para. 47).

Regarding dependent claim 8 and 34, the combination of Chandrasekar and Rogson is obvious as described above. Rogson discloses another dynamic list for the user. In the case of the first document the user checks, the list would contain the most recent misspellings (para. 47).

Response to Arguments

9. Applicant's arguments with respect to claims 1-7 and 27-34 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

10. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after

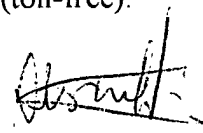
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the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Adam M. Queler whose telephone number is (571) 272-4140. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Steven Hong can be reached on (571) 272-4124. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



AQ

STEPHEN HONG
SUPERVISORY PATENT EXAMINER